

Documentation Of Two Armed Assaults On Lutz Community Radio By The Federal Government

Assembled at the bottom of this page are copies of [letters and affidavits](#) which relate to two attacks on Lutz Community Radio directed by the Federal Communications Commission. Also see [related news articles](#).

Attorneys for the United States of America believe that it is justifiable to bring felony charges and incarcerate certain Americans who operate non-licensed micro-broadcast stations for the advancement of community affairs. They will carry out the action without affording the individuals a hearing.

The underlying rationale for such criminal-style prosecution is this: As a result of inherently limited range, operation of a low-power station is deemed inefficient use of the airwaves. Hence, no justification exists for licensing them.

This documentation relates to exactly such abuse experienced by the writer at the hands of government officials in the Tampa, Florida area.

The saga begins with the only written communication I ever received from the FCC. The [letter](#) makes no claim that a judicial authority had authorized the FCC to shut down Lutz Community Radio. The FCC has no police power. It is an administrative agency. It must follow a strict set of rules.

The one and only communication from the FCC carried no inherent authority. Nevertheless, the entire 2-1/2 year long government vendetta against a private citizen is premised on it. I have been convicted of felony radio broadcasting, and the basis of that conviction is a letter from a low-level administrative officer.

The fundamental elements of [due process](#) of law are Notice and a right to a court Hearing. A simple parking ticket will advise you of your right to a court hearing. It is [not possible](#) to circumvent due process of law using legislative action.

If the intent of the FCC is to help prevent civil chaos, it should have applied for an administrative remedy consistent with that goal. In fact, the FCC evaded its responsibility to apply for a remedy that was consistent with due process of law. As a result, I was denied the right to challenge bad FCC law in court. First the impotent letter arrived, next a deadly SWAT team.

Government officials in Tampa deprived me of Life, Liberty, and Property without a hearing. And a hearing provision was available to them in Section [401](#) of the FCC law. The public servants didn't use Section 401, and that demonstrated their contempt for FCC law, as well as our Bill of Rights.

Five-thousand dollars worth of my radio equipment was taken or destroyed by the FCC on March 7, 1996. I was not ordered off the air. The FCC returned on November 19, 1997, plundered \$25,000 more of my renewed equipment, and I was charged [criminally](#). No hearing was afforded me prior to these actions!

The criminal charges were calculated to create an illusion that I pose a danger to my community. There was never any danger posed to Life or Property as a result of my radio broadcasts. My [intent](#) was to *protect* life and property!

The arrest of a man for an action which encompasses no danger is, in reality, a kidnapping. However, it is easy to manipulate the gullible masses. Faithful to their government masters, the masses assume the arrested man has done something wrong. With media collusion, such strategy is a very effective method discrediting and demoralizing an adversary.

Before his trial ever begins, slanted, front-page media reports guarantee the targeted individuals' position is prejudiced. By the time official courtroom tampering of the jury is factored in, the outcome is predictable.

My first hearing concerning license-free broadcasting took place *after* \$30,000 worth of my radio equipment was taken or destroyed, *after* I was indicted, and most significantly, *after* the whole sordid affair was demonstrated in the local media! Therefore, my first hearing took place before a fully prejudiced jury.

The jury was ignorant of the [law](#), as well as their right to [judge](#) it. I cannot consider them my peers. They were

eager to please the court. "The jury's overriding responsibility is to stand between the accused and a potentially arbitrary or abusive government that is in command of the criminal sanction." *United States v. Martin Linen Supply Co.*, 430 U.S. 564, 572-73 (1977).

In Amerika, government officials use the court system as a weapon against reform activists. Sheep-like juries assist abusive officials. When political dissidents are dragged through the courts, slanted media coverage is the rule of the day. The tactic is calculated to intimidate *all* citizens, so they might be less likely to resist the noose of tyranny that is surely tightening around their necks.

Almost as astonishing as the government's failure to afford me a hearing, the March 7, 1996, equipment seizure was premised on error from the beginning. Harmful error is manifest in the supporting affidavit used by the FCC to obtain a warrant for the "arrest" of my radio equipment on March 7th.

FCC agent [Gerardo Daubar](#) failed to make a measurement of my radio station's allegedly excessive signal strength level prior to the March 7th seizure. Daubar stated in his [affidavit](#) that he could hear the signal over his radio speaker when he was six miles from the station, and he thought that range was excessive.

Agent Daubar assumed the signal he heard was my signal. He assumed the signal exceeded the legal level for unlicensed operation under 47 CFR, Sec. 15.239. He failed to make the measurement mandated by [47 CFR, Sec. 15.239](#). Daubar's affidavit also failed to clearly state any date that he heard the station.

Daubar's information fails to constitute admissible evidence of unlawful broadcasting. His affidavit was opposed as defense five in my [Answer](#) to the March 7, 1996, equipment seizure. The court *ignored* the challenge!

Amerikan courts are notorious for prejudicial treatment of Citizens who litigate without an attorney. Sensing enormous public apathy, corrupt government officials gleefully carrying out outrageous vendettas against private litigants.

My answer to the equipment seizure asserted 12 meritorious defenses. The defenses were supported by affidavit. The prosecutor was unable to oppose any of the defenses within 30 days. After stalling for over one year, the court inexplicably granted summary judgment to the FCC. The issues of fact and law, upon which I had relied, were not even analyzed in the judgement.

On August 24, 1997, Judge Steven D. Merryday's [ruling](#) made it official, I was to be permanently deprived of my property, without any hearing or an analysis of the defense. It is a violation of the Bill of Rights, Article V, to deprive an individual of his property without due process of law. At no time, however, did Judge Merryday order me off the air.

While the foregoing atrocities were taking place, the following was also in progress: A station listener, Phil Kempin, contacted U.S. Congressman, Michael Bilirakis, in an effort to enlist his help in brokering a peaceful, civilized approach to the problem. Mr. Bilirakis made a firm [promise](#) to initiate a congressional inquiry into the problems I had experienced with the FCC. Representative Michael Bilirakis then reneged on his written promise!

As a result of Bilirakis' broken promise, Lutz Community Radio was attacked a second time, and I was charged criminally. The pre-dawn [strike](#) November 19, 1997, involved a helicopter equipped with a search light, a virtual sea of police cars, heavily armed thugs wearing black ski masks who sneaked through our neighbors' yards with assault rifles, and even a battering ram for the front door. The mercenary media was also tipped off, so that my arrest and handcuffing could be [broadcast](#) all over the Tampa Bay area for days.

U.S. Congressman [Michael Bilirakis](#) has never expressed any regret for his complicity in this state-sponsored terrorism.

At the so-called trial, additional travesties were committed by the government. United States Assistant Attorney Ronald Tenpas relied upon the fact that a judgement was entered against my original equipment claim. Tenpas said that because Judge Merryday rendered a judgement against my equipment claim on 8/24/97, I must have known at that time I was in violation of the law. Never mind that the prosecution's case was based on a defective affidavit. Never mind Merryday didn't refute any of my defenses, nor did he order me off the air. Somehow, any radio transmission I made after 8/24/97 was done with an intent to violate the law. I would like to say this about criminal intent: HOGWASH!

My intent has always been to support and defend the law. The problem is that I believe the law to be the word of God, backed by the Constitution for the United States of America. Most people no longer believe or understand

that is the law. They accept virtually any law that has been contrived by other men.

At trial, the scheme relied on by prosecutor Tenpas was another violation of the Bill of Rights, Article V. This time it was the Double Jeopardy clause, "No person shall...be twice put in jeopardy of life or limb...". Even if we allow for Tenpas' contempt for the Bill of Rights, only one of the 14 radio transmissions mentioned in the [indictment](#) occurred after 8/24/97 -- a simple misdemeanor!

It requires a vivid imagination, and an extremely wicked mind, to convert the non-profit, good-faith operation of one small, community-based radio station, into a 14 count felony indictment. Such charges constitute [multiplicity](#). This form of prosecution is prohibited. Plainly, government officials feel they are above the law.

Lutz Community Radio, although unable to qualify for Federal sanction, did have the support of the [people](#) of Lutz, Florida. Previously, I believed that before serious charges could be brought against me for operating the Christian Patriot format radio station, I would first be served some form of legal process that would order me off the air. I viewed the court case of Stephen Dunifer, operator of Free Radio Berkeley, as an example of due process of law at work -- the FCC Office in San Francisco applied for an injunction.

Unfortunately, government officials in Tampa feel they are above the law. The result of their attitude is that I have never had the benefit of a civilized approach to the issue. As a matter of fact, I was never ordered off the air until *after* I was charged, allegedly tried, convicted, and sentenced.

The sentencing paperwork contained the first actual order by a judicial authority which is intended to restrict operation of the radio station. Now I have an order signed by a federal judge that abridges the free exercise of religious and political free speech, God-given freedoms protected by the Constitution. I am obeying that order, just as I had always planned to, should such conspicuous government repression materialize.

If you don't agree that in AmeriKa, we live under a tyranny, maybe you will after considering the following.

Before a federal judge ordered me to stop exercising my First Amendment rights during my July 14, 1998, sentencing, the following describes the way the court temporarily restricted operation of the station. That is to say, the way it restricted operation until a Constitutionally illiterate, brain-dead jury, not of my peers, could make it more permanent.

I was captured at the onset of the second attack and made, essentially, a prisoner of war. I was given the option of monitored release, if I signed a *contract* agreeing to refrain from broadcasting. I was also forced to agree not to use any legal process, whatsoever, to retrieve my equipment.

I was told that if I broke any part of the so-called agreement, not only would I be jailed immediately, our homestead would be seized by the federal government. That demand was a direct violation of the Constitution of the State of Florida, [Article X, Sec. 4](#). Minus free agency, I "signed" the contract to gain my release.

Tampa FCC Field Office, Engineer in Charge, Ralph M. Barlow, aided and abetted by co-conspirators as noted, has done everything possible to destroy me, financially and otherwise. It was I who set up most of the monitoring equipment for the Tampa FCC Field Office. When Mr. Barlow needed me to do work for him, he didn't have any complaint with me or my performance.

Because Barlow and I were on a first name basis, my [response](#) to his 11/13/95 letter included a considerable amount of information concerning government corruption and media cover-ups. After all, revealing corruption was a goal at Lutz Community Radio. At trial, Barlow stated under Oath that he *never read my letter*. Barlow's mindset speaks volumes about the character of a typical federal agent.

Ladies and gentlemen, the reason I have been selectively prosecuted is not because the FCC was unable to provide me a license, but because of my personal beliefs. I believe the government habitually operates outside the common law jurisdiction of the Constitution.

America was founded under the common law. The average American has no comprehension of the consequences which arise from the suspension of the common law, particularly as it relates to his fast-fading freedoms. The blame for that lack of comprehension can be placed squarely in the lap of major media.

Mass ignorance of the general population is an open invitation for the criminals in government to ignore the few of us who care enough to educate ourselves as to the value of honest money, and its companion - the common law.

I am concerned that most of the courts operate pursuant to a *secret* jurisdiction of law known to only a few "[illuminated](#)" individuals. Many legal researchers have arrived at the same conclusion and they share the same concerns. The common law was a frequent subject of many programs that were broadcast on my radio station.

Many of us conclude that today's law mostly involves international [treaties](#), and the equity side of the Constitution (contracts). We, who hold convictions that the current system is fraudulent as a result of intentional deception, are prime targets for retribution by the government officials who benefit from the trickery.

This discussion of the common law has relevance -- so please hang in. I was once an officer in a [common law court](#). The Tampa common law court, and its offshoots, were started by citizens who were interested in restoring American common law. A growing number of Americans object to the fact that the original common law courts were quietly [converted](#) to a new form of blended law in the mid-1930s. And no degree of voting seems to correct the problem. Inaccurate and misleading media reports are mostly responsible for that.

Most of the Tampa common law advocates got railroaded and thrown in federal [prison](#). Judge Merryday presided over that, too. In Amerika, when a serious effort is made to defend the Constitution, people go to jail. I almost made the grade myself, as a result of my common law court activities. I am on a list of [174](#) common law court "unindicted co-conspirators". The list is used by the local media to intimidate all citizens, as well as to defame those on the list.

If it were not for my beliefs, which were reflected in the radio station content, why else would my station be singled out on two separate occasions? There were other micro-broadcast stations operating in Tampa on March 7, 1996, when I *alone* was attacked. On November 19, 1997, when I *alone* was arrested, there were about ten non-licensed micro stations on the air in the Tampa area. If there was not something special about me and my station, why do I have the distinction of being the only radio broadcaster in the history of America to be relegated to the status of a convicted felon?

We, who have studied the Constitution, realize government agencies have avoided honoring our common law rights since the mid-1930's. Even FCC Commissioner, Michael Powell, recognizes the FCC [subverts](#) the Constitution, God bless him. Mr. Powell also indicates in his speeches that he knows the FCC is not part of the government described in the Constitution.

On September 13, 1982, the U.S. Congress violated the principle of State's rights when it revised the wording of 47 USC, Sec. 301, to mandate federal licensing of broadcast transmissions which are confined to one of the several States, and which do not create any substantive burden on interstate or foreign commerce. When commercial activity is confined within a state, with no substantive effect across state lines, it is to be regulated by [that](#) state.

The non-Constitutional revision of Section 301 was supposed to be the main subject of my Appeal. One day before the deadline to file the appeal brief, my attorney decided to break our agreement, and not make the constitutional argument at all (11/22/98). We had an agreement that he would make three arguments, the most important one being the non-Constitutional revision of Sec. 301. He filed the brief minus the most important argument of all.

The following is a recap, along with my appraisal of the F.C.C., and the apparent goal of Amerikan "leadership" as it applies to our freedoms:

1. The FCC has no lawful jurisdiction over radio transmissions which have no substantive affect across a Florida boundary line.
2. F.C.C. Agent Daubar never measured the signal strength of my radio transmissions to begin with.
3. I was denied the fundamental right to a due process of law hearing.
4. Judge Merryday refused to analyze my written defense, yet ruled against it.
5. Only one count on the indictment occurred after Merryday's August 24th "warning" order, yet my prosecution was treated as a felony.

Take your [pick](#) of a variety of perversions of law carried out by actors in government, in order to "get" another loyal American. I haven't finished yet.

I was indicted pursuant to 47 USC, Section 301 and 501, but those statutes have never been enacted into positive law, as required by [61 Statutes At Large, Section 101](#). Everything that has been done to me has been

accomplished under color of law. This ongoing atrocity is fully dependent upon the corrupt media keeping the public ignorant of the facts and the law. The major media is *incredibly* good at that!

The available evidence proves that, as currently structured, the FCC is a major [criminal](#) enterprise, and the problem should be dealt with accordingly. A principle function of the FCC is to support and defend the Fourth and Sixth Plank of the [Communist Manifesto](#).

Legal purists may be interested in the following. In 1992, I began filing documents which declare my state Citizen status. The Middle District of Florida has been amply noticed that I am a Citizen of the [sovereign](#) state of Florida. I no longer have any valid contracts with civil government. I am positively not a so-called [Fourteenth Amendment "U.S. citizen."](#) That class of citizenship was created by Congress in 1868, long after America was founded.

The federal government knows very well that it lacks jurisdiction over me. However, my oppressors carefully measured the ignorance and apathy of the American people and found it to be of colossal proportions. Corrupt officials begin salivating when they realize it is possible to attack another knowledgeable, patriotic American, without risking recognition of the deed.

Never, in my wildest imagination, did I foresee that my honest endeavor to help my community could be converted into a felony - and without due process of law no less! I knew there were some very corrupt individuals in government, but I had no idea . . . The only thing that amazes me more is that the average American has just just stood by and watched, including most of my neighbors.

Bear in mind that my tiny radio transmitter operated at a power level less than a *light bulb* - too low a level to license, according to the FCC.

Could you be next? Most career politicians are in office for one reason -- to control and manipulate the rest of us, and to get well rewarded for doing it. Maybe you will be converted into a criminal because you refuse to give up your guns, cigarettes, beer, Big Mac, or your natural vitamins.

If you don't get educated and involved, it will happen. Everything is not all right in America. We, who take meaningful action to defend our heritage of God-given, Constitutionally protected freedoms, are attacked viciously. This does not bode well for the future, especially the future of [your](#) children.

DOCUMENTATION LIST

- [3/3/97 FCC letter claims jurisdiction is interstate and foreign commerce only.](#)
- [Commissioner Michael Powell recognizes FCC subverts the Constitution.](#)
- [Federal Communications Commission conforms to Communist Manifesto.](#)
- [Title 47, used by FCC in all its prosecutions, never enacted as positive law.](#)
- [Only F.C.C. letter to Kobres does not attempt to order his station off the air.](#)
- [12/1/95 Kobres letter to FCC gives rationale for Lutz station operation.](#)
- [Affidavit used by FCC to obtain complaint for raid contains harmful error.](#)
- [4/8/96 Affidavits of listeners who claim damage caused by 3/7/96 FCC attack](#)
- [1/27/97 Kobres letter cites specific violations of law by the F.C.C.](#)
- [Defenses offered in response to FCC's complaint ignored by Judge Merryday.](#)
- [4/3/97 Letter of listener Phil Kempin to U.S. Rep. Michael Bilirakis requests help.](#)

- [4/4/97 Bilirakis letter to Kempin promises Congressional investigation of F.C.C.](#)
- [4/14/97 F.O.I.A. form completed as requested, and submitted to Rep. Bilirakis.](#)
- [4/15/97 Kempin letter sent with F.O.I.A. Form to U.S. Rep. Michael Bilirakis.](#)
- [Kempin letter to editor describing terrorist attack that he sought to prevent.](#)
- [Federal indictment for operating tiny, non-licensed radio station highly flawed.](#)
- [1/7/98 Kobres letter to U.S. Rep. Michael Bilirakis, protesting terrorist attack.](#)
- [1/9/98 FOX 13 letter verifies suspected corporate collusion with the F.C.C.](#)
- [1/22/98 Kobres letter to County Sheriff Cal Henderson protesting FCC action.](#)
- [Legal defense presented at trial denied without allowing appreciable argument.](#)
- [Lutz Community Radio station flyer - purpose of station deemed to be a threat.](#)

